

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE DEPUTY
ZONING VARIANCE * ZONING COMMISSIONER
S/S Bloomingdale Avenue, 150 ft. *
W of and opposite Rognel Ave * OF BALTIMORE COUNTY
31 Bloomingdale Avenue *
1st Election District * Case No. 96-491-A
1st Councilmanic District *
Vincent H. Dailey, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Vincent H. Dailey and Victoria M. Dailey, his wife, for that property known as 31 Bloomingdale Avenue in the Catonsville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B01.2.C.2.a (VB5a CMDP) of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 22 ft. and a rear yard setback of 23 ft. for an open projection (deck and pool) in lieu of the minimum required 26-1/4 ft.; and to amend the latest Final Development Plan of Bloomingdale Heights. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date

By

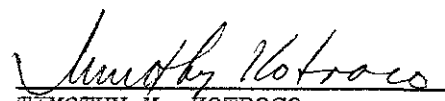
MICROFILMED

welfare of the public and should, therefore, be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of July, 1996 that a variance from Section 1B01.2.C.2.a (VB5a CMDP) of the Baltimore County Zoning Regulations (BCZR), to permit a side yard setback of 22 ft. and a rear yard setback of 23 ft., for an open projection (deck and pool), in lieu of the minimum required 26-1/4 ft.; and to amend the latest Final Development Plan of Bloomingdale Heights be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:mmn

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 5, 1996

Mr. and Mrs. Vincent H. Dailey
31 Bloomingdale Avenue
Catonsville, Maryland 21228

RE: Petition for Administrative Variance
Case No. 96-491-A
Property: 31 Bloomingdale Avenue

Dear Mr. and Mrs. Dailey:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:mmn
encl.

RECEIVED





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-491-A

31 Bloomingdale Ave

which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.2.a (VB5a CMPP)

To allow a side yard setback of 22 ft. and a rear yard setback of 23 ft. for an open projection (deck and pool) in lieu of the minimum required 26 1/4 ft., and to amend the latest final development plan of Bloomingdale Heights to allow projection of same outside the building envelope. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See reverse side

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted, if:

Name

Address

Phone No.

(w) 998-6031

31 Bloomingdale Ave 455-9646

Catonsville MD 21228

ORDER RECEIVED FOR FILING

Date

By

REVIEWED BY:

DATE:

6-7-96

ESTIMATED POSTING DATE

6/16



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

ITEM #:

488

Zoning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 31 Bloomingdale Ave
address
Catonsville MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Due to the orientation of the house on the lot
the proposed deck and pool cannot comply with the
required setbacks (tract boundaries).

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Victoria M. Dailey
(signature)
Victoria M. Dailey
(type or print name)



Vincent H. Dailey
(signature)
VINCENT H. DAILEY
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of June, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Victoria M. Dailey and Vincent H. Dailey

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 6, 1996
date

Patricia J. Harris
NOTARY PUBLIC

My Commission Expires: 11/30/97

#488

96-491-A

Zoning Description for: 31 BLOOMINGDALE AVE
Baltimore MD 21228

Beginning at a point on the South side of Bloomingdale Ave.
which is 40 feet wide at the distance of 150 feet West of & opposite
the centerline of the nearest improved intersecting
street, Roquel Ave. which is 30 feet wide.

Being Lot #19, in the subdivision Bloomingdale
Heights as recorded in Baltimore County Plat Book
S.M. 65, Folio # 016, containing 0.2987 acres.

Also known as 31 Bloomingdale Ave. and located
in the 1 Election District, 1 Councilman District.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-491-A

District: 1st Date of Posting: 6/14/96
Posted for: Variano
Petitioner: Victoria & Vincent D'Arcy
Location of property: 31 Blandingdale Ave
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by: M. J. Kelly Date of return: 6/21/96
Number of Signs: 1



MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No.
488

DATE 1-14 ACCOUNT 1-24-1960

96-491-A
AMOUNT \$ 100.00

RECEIVED FROM: 1-14-1960

FOR: MISCELLANEOUS

1-14-1960

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 13, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-491-A (Item 488)
31 Bloomingdale Avenue
S/S Bloomingdale Avenue, 150' W of and opposite Rognel Avenue
1st Election District - 1st Councilmanic
Legal Owner(s): Victoria M. Dailey and Vincent H. Dailey

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 16, 1996. The closing date (July 1, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Victoria and Vincent Dailey

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 28, 1996

Vincent and Victoria Dailey
31 Bloomingdale Avenue
Catonsville, MD 21228

RE: Item No.: 488
Case No.: 96-491-A
Petitioner: Vincent Dailey, et ux

Dear Mr. and Mrs. Dailey:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 16, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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John W. Lepore

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 21, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

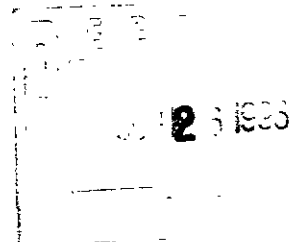
SUBJECT: Zoning Advisory Committee Meeting
for June 24, 1996
Item Nos. 484, 485, 488, & 489

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:jrb

cc: File

ZONE14



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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 06/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 17, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 483, 484, 485, 486, 488 & 489.

21 1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM / Roslyn Cubenks
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: 6/14/96

SUBJECT: Zoning Advisory Committee
Meeting Date: Jun 17

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 483
484
485
486
487
488
489

RBS:sp

BRUCE2/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 467, 471, 472, 473, 474, 480, 482, 484, 485, 488, and 489

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-18-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 488 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BLOOMINGDALE

ROBERT

COORDINATES

NO.	SOUTH	WEST
4	10371.10	32129.15
100	10277.28	32154.95
20	10309.47	32266.54
72	10117.97	32316.02
71	10088.67	32323.54
70	9904.98	31756.72
73	9933.59	31747.70
7	10127.68	31886.43
RW9	10130.91	31895.96
6	10173.30	31829.34
31	10289.09	31799.33
RW3	10049.65	32105.43
RW1	10058.42	32086.84
RW5	10150.50	32050.64
RW6	10172.81	32047.31
RW10	10128.44	31996.45
RW11	10116.93	32010.11
RW2	10044.67	32038.53
RW4	10024.91	32029.19
RW7	9941.34	31771.59
RW8	9951.10	31752.66
RP3	10176.43	31997.46

SITE TABULATION

IS AREA	
JR 5.5	3.9578 AC. +/-
JR 3.5	0.0254 AC. +/-
TOTAL GROSS AREA	3.9830 AC. +/-
AREA	
JR 5.5	3.9578 AC. +/-
JR 3.5	0.0254 AC. +/-
TOTAL NET AREA	3.9830 AC. +/-
TS PERMITTED	
JR 5.5	3.5 X 3.9578 = 21.78 UNITS
JR 3.5	3.5 X 0.0254 = 0.08 UNITS
TOTAL	21.84 UNITS

TS PROPOSED = 20

CING REQUIRED 2 SPACES/UNIT = 20 X 2 = 40 SPACES
CING PROVIDED = 40 SPACES

OWNER / DEVELOPER

GAMMA CONSTRUCTION CO., INC.
12300 DOVER ROAD
REISTERSTOWN, MARYLAND 21136
(410) 252-5696

NOTE:

STREETS AND/OR ROADS SHOWN HEREON AND THE VERTICES THEREOF
IN THESE ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE
NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE JOE SAMPLE TITLE
TO THE BIDS THEREOF IS EXPRESSLY RESERVED IN THE CHARTERS OF THE BIDS
TO WHICH THIS PLAN IS ATTACHED, THEIR HEIRS AND ASSIGNS.

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAN, HEREOF
CERTIFY THAT, TO THE BEST OF IT'S KNOWLEDGE, THE REQUIREMENT OF
SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE
ANNEALED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, INsofar AS SAME
CONCERNING THE BOUNDARY OF THE LAND AND THE SETTING OF THE MARKERS.

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF
MARYLAND, DO HEREOF CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED
THIS PLAN AND THAT THE LAND SHOWN ON THIS PLAN HAS BEEN LAYED OUT, AND
THE PLAN THEREOF HAS BEEN PREPARED, IN COMPLIANCE WITH SUBSECTION (C)
OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNEALED CODE
OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNING THE BOUNDARY OF
THE LAND AND THE SETTING OF THE MARKERS.

'4988 S 9872.83 W 32608.72
'3068 S 9906.10 W 31738.80

W. BEN-OR
PRESIDENT, GAMMA CONSTRUCTION CO., INC.

Walter Francis Egan 7/14/92
REG. NO. 10889

MICROFILMED

96-491-A

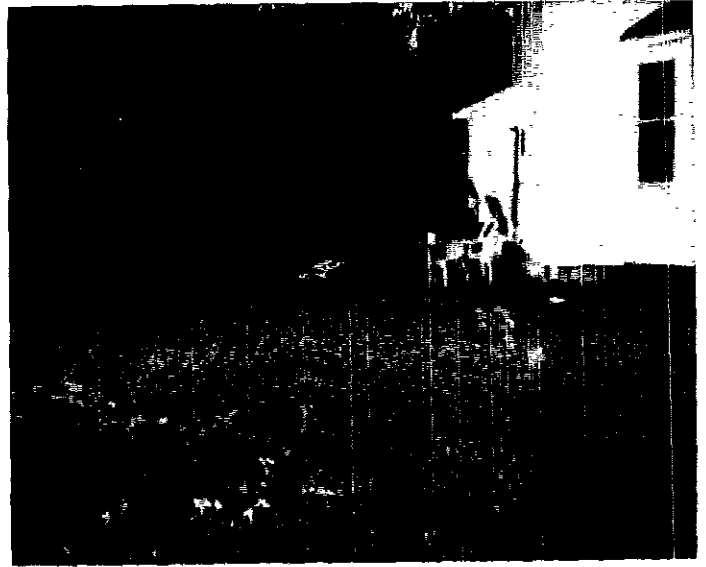
GENERAL GERMAN ORPHAN ASSOCIAT
OF BALTIMORE CITY
518/552

CURVE DATA

Name	Delta	Radius	Length	Bearing	Chord	Tangent
A	025°50'31"	50.00	22.55	S 08°32'41" E	22.36	11.47
B	273°13'19"	50.00	238.43			
C	067°22'48"	15.00	17.64	N 55°09'21" W	16.64	10.00



31 Bloomingdale Ave
standing in corner of #19 (next to lot #20)



31 Bloomingdale Ave
standing at side of property 30' from house



31 Bloomingdale Ave
Rear of property

Victoria M. Dailey

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

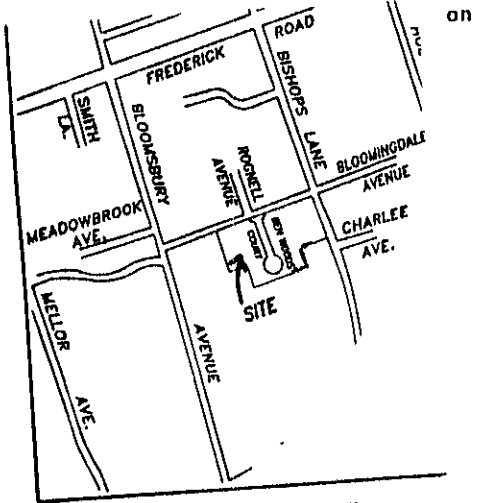
PROPERTY ADDRESS: 31 Bloomingdale Ave Balto MD 21228

see pages 5 & 6 of the CHE

Subdivision name: Bloomingdale Heights
plat book # 65, folio # 016, lot # 19, section #

OWNER: Victoria M. Dailey & Vincent H. Dailey

96-491-A



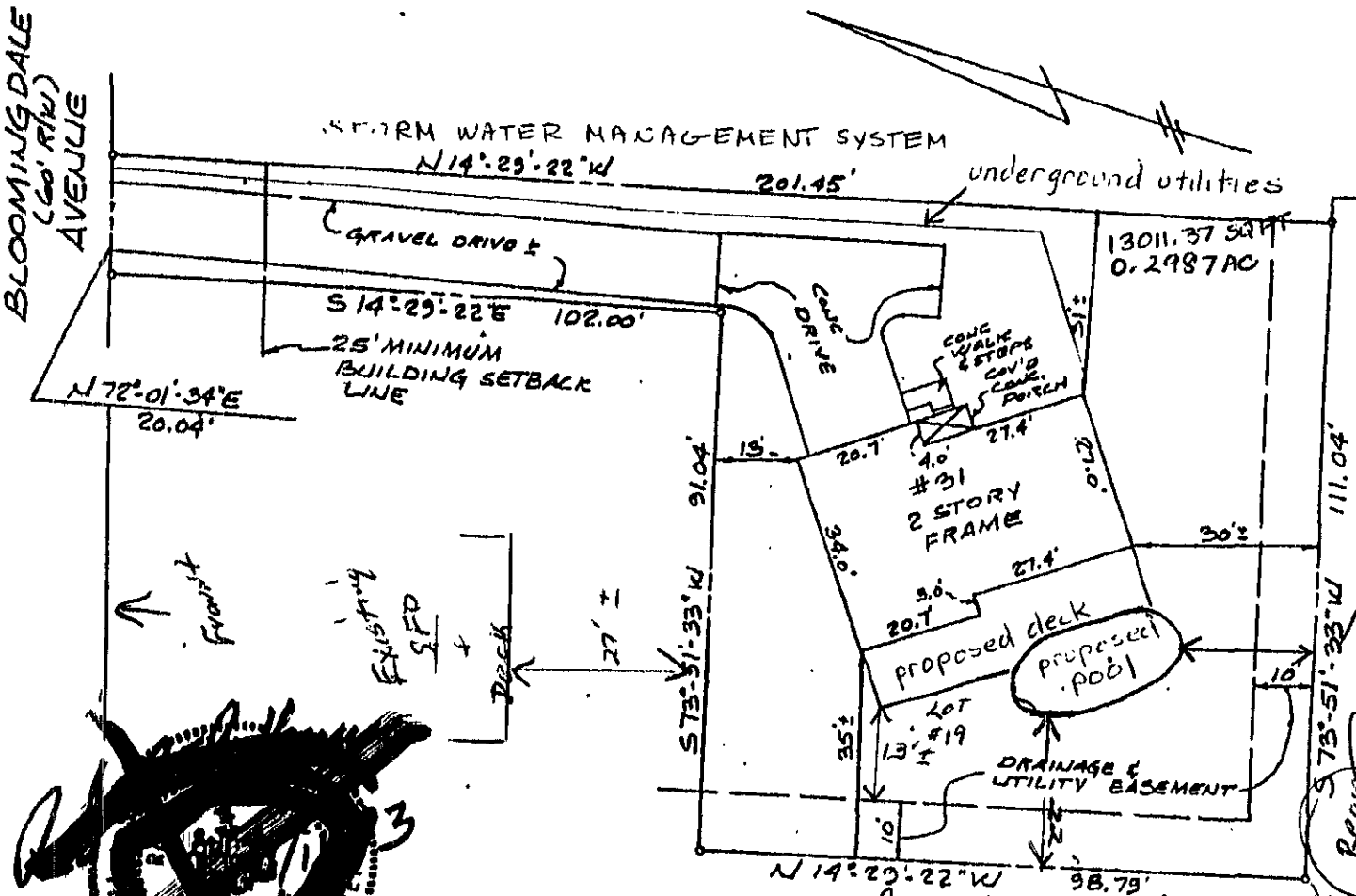
VICINITY MAP
SCALE: 1" = 500'

LOCATION INFORMATION

Election District: 01
Councilmanic District: 1
1"=200' scale map #: SW, 3-F
Zoning: PR-5.5
Lot size: 2987 13011.37
acres square feet
SEWER: ☒ public ☐ private
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 488 CASE#:



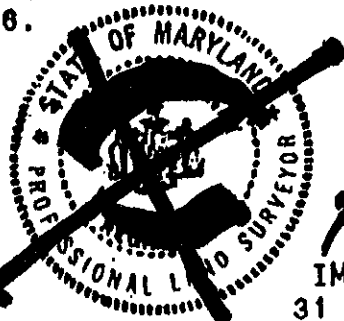
Deck extends out 12' from house - full length
47'11"
Pool is a 15'x30' oval placed parallel to deck
pool height - 53"

NOTE: AS BUILT IMPROVEMENTS ADDED NOVEMBER 11, 1993

REFERENCE:

Plat dated June 29, 1992 entitled "BLOOMINGDALE HEIGHTS", recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 65 folio 016.

THIS PLAT IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS AND THAT THEY ARE LOCATED AS SHOWN HEREON, AND IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.



**Plat Altered
for Zoning
PET. PURPOSES.**

IMPROVEMENTS DRAWING
31 Bloomingdale Avenue
Lot 19
"BLOOMINGDALE HEIGHTS"

BALTO. CO. MD. ELECT. DIST. No. 1
SCALE: 1"=30' DATE JULY 27, 1993

PN7232

410 583 0288 PAGE.002

NOV 12 '93 9:23

Victoria Dailey

MICROFILMED



DR-5.5

DR-5.5

488

SW 3-F
96-491-A

DR

DR-5.5

RO
MELLOR

CATONSVILLE
BM-CCC

DR-5.5

BISHOPS
BLOOM

CATONSVILLE
ELEM. SCHOOL

OR-1

BL-CC

BL-CC

ROA

BL

RO
RD

RO

LINGERSIDE
AVE

MEL ROSE
AVE

94-1225
ST. TIMOTHY'S

EAST
CATONSVILLE

ST. TIMOTHY
R.C. CHURCH

BALTIMORE

325